Jake Place Fence

EA # OR-054-04-035
20 March 2004

Bureau of Land Management
Prineville District Office
3050 NE 3rd Street
Prineville, OR 97754

CHAPTER I. INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

1.1 Introduction

"This Environmental Assessment (EA) has been prepared for the Prineville District, Central Oregon Resource Area's proposed Jake Place Fence. The EA is a site-specific analysis of potential impacts that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any "significant" impacts could result from the analyzed actions. "Significance" is defined by NEPA and is found in regulation 40 CFR 1508.27. An EA provides evidence for determining whether to prepare and Environmental Impact Statement (EIS) or a "Finding of No Significant Impact" (FONSI). A FONSI is a document that briefly presents the reasons why implementation of the proposed actions will not result in "significant" environmental impacts (effects) beyond those already addressed in Brothers/LaPine Resource Management Plan (Record of Decision, July 1989). If the decision maker determines that this project has "significant" impacts following the analysis in the EA, then an EIS would be prepared for the project.

A decision record (DR) may be signed following public comment on the EA to document the decision."

1.2 Background

Otto Keller, his wife, and Dan Wyland have recently purchased an approximately 1178 acre parcel of private land about 7 miles SSW of Paulina (See CHAPTER VIII. APPENDICES, 6.1 Maps, Map 1). This land is surrounded by BLM lands on all sides. The BLM-managed land to the east contains the Lister allotment, which is managed by the GI Ranch Corp. The BLM-managed land to the west contains the Camp Creek Community allotment, managed by Severance Ranches, Inc. and Guttierrez Cattle Co.

Mr. Keller and Mr. Wyland do not plan to use the land for grazing, but would like to improve the condition of the riparian area along the South Fork Crooked River, which runs though this parcel of private land. He has initiated several projects on his private land with the intent of improving the condition of the land – much of which had been either farmed or grazed by cattle or horses in the past.

1.3 Proposed Action

Mr. Keller proposes to build a straight fence running generally north-south along the east side of his private land, but the border between his private land and BLM land does not run straight north-south. There is an approximately 40-acre block of BLM land (the NW ¼ of the SW ¼ of Section 6, T18S, R23E) that would extend across the fenceline he would like to build (See CHAPTER VIII. APPENDICES, 6.1 Maps, Map 2). Building the fenceline as he proposes would result in the 40-acre block of BLM land being fenced in with his private land.

He has constructed a new fence which runs north-south from the northeast corner of his private property to approximately the northeast corner of the 40-acre block of BLM land. Mr. Keller would tie the proposed fence in at that point, and continue it down to another existing portion of newer fence near the southeast corner of the 40-acre block.

New fence construction would conform to guidelines outlined in the RMP and would be paid for by Mr. Keller. The fence would be have 4 wires and be constructed using steel T-posts set at 16.5 foot intervals. The bottom wire will be smooth, and will be set 18 inches above the ground. The next 3 wire strands will be barbed. They will be set at 24, 30, and 40 inches above the ground. At least one wire stay will be placed between fenceposts.

Rock cribs may be placed if needed where fenceposts can not be driven adequately into the shallow soils. The fenceline would not be bladed during construction or at any later time.

In order to reduce impacts to wildlife, where big game trails are identified, wildlife crossings will be placed in the fenceline. Flagging would also be attached to the top strand of the newly constructed fences to increase the fences' visibility to wildlife.

1.4 Purpose and Need for Action

The proposed action would respond to the request of a private landowner who is attempting to improve plant community structure and diversity on his private lands. He would like to control livestock trespass onto his land and the riparian area along the South Fork Crooked River which runs through his property. Constructing a fence which is easy to build and maintain would help him achieve his objectives.

The proposed action would also improve livestock distribution in the North Twelvemile Table pasture of the Lister allotment by eliminating a potential livestock trap which currently exists. This would result on more even forage utilization in that pasture.

1.5 Conformance with the Brothers/LaPine Resource Management Plan (RMP)

- Riparian Areas – Management Direction, page 86
  "New water development and fencing is expected to improve livestock distribution, provide better forage utilization and reducing the impact of

livestock concentration areas".

- Structural Developments – Fences, page 87
  "Fences are constructed to … protect streams and riparian zones and control livestock".
- Wildlife Habitat – Implementation, page 97
  "New fences will be constructed to allow wildlife passage and existing fences will be modified as appropriate".
- Wildlife Habitat – Management Direction, page 97
  "non-game species habitat management will be accomplished by maintenance or enhancement of vegetative structure and diversity".
- Visual Resources – Management Direction, page 126
  "Before BLM initiates or permits any major surface-disturbing activity on public lands, an analysis will be completed to determine adverse effects on visual qualities".

1.6 Decision to be Made

The decision to be made is whether or not to allow the owner of the Jake Place to build a ¼ mile of fence across BLM land, resulting in a 40-acre block of BLM land being fenced in with his private land.

1.7 Scoping and Consultation

Bob Williams of the GI Ranch Corporation has been contacted about this proposed fence. Though that 40-acre block would be fenced out of the North Twelvemile Table pasture of his Lister allotment, he has submitted a written agreement with the proposal. He feels it will help livestock distribution in the area if the fence were constructed as proposed.

The Crooked River Watershed Council also supports this proposal. The Watershed Council feels that the proposed fence would be an efficient and effective way to control livestock and will allow for the recovery of important riparian habitat.

CHAPTER II. ALTERNATIVES INCLUDING THE PROPOSED ACTION

2.1.1 No Action Alternative

One-quarter mile of fence would not be constructed across BLM managed lands. If this alternative were selected, the owner of the Jake Place property would have the option to either to construct ¾ mile of fence which would follow the BLM-private land boundary or continue to maintain the existing fence on his property. Because the landowner has already begun construction of a fenceline that would eliminate the need for the existing fence, it is very unlikely that the landowner would decide to continue maintaining the existing fence.

2.1.2 Proposed Action Alternative

The BLM would authorize the owner of the Jake Place to build a ¼ mile of fence across BLM land, resulting in a 40-acre block of BLM land being fenced in with his private land. The fence construction would be in conformance with the design standards for fences on page 87 of the RMP.

CHAPTER III. AFFECTED ENVIRONMENT

3.1 Affected Environment

A: Livestock Use

The 40-acre block of BLM land is currently part of the North Twelvemile Table pasture of the Lister allotment. That pasture currently encompasses approximately 5,920 acres of BLM land, and supports approximately 482 AUMs. The grazing system for this pasture is a 4-year rest rotation.

B: Vegetation

Vegetative communities in the project area vary with slope gradient and aspect. Young juniper (not old-growth) occurs throughout the project area. Sagebrush is somewhat sparse, but is mainly big sagebrush with some low sagebrush occurring. Thurber's needlegrass and Sandberg bluegrass also occur throughout the project area. Areas nearer to an intermittent tributary and especially nearer the southern boundary of the 40-acre block have much more cheatgrass than the less accessible areas.

Bluebunch wheatgrass occurs and may even dominate, particularly on southerly facing and rocky slopes. Idaho fescue occurs particularly on northerly facing slopes and under juniper.

The SVIM (Soil and Vegetation Inventory Method) survey, completed in 1980, showed that the area was in poor condition. Observations during a field visit in December 2003 indicated that more steep and inaccessible areas, particularly the steep southeasterly facing slope to the northwest of the intermittent tributary, were in good rather than poor condition. This steep southeasterly slope did not appear to be very heavily utilized by livestock.

The areas near the intermittent tributary and on the south slope on the south part of the 40-acre block did still appear to be in poor condition.

The Prineville District's Botanist has determined that special status plants are not suspected to occur in this portion of the district in this type of habitat. Surveys in the general area have not found special status plants nor were special status plants suspected after the inventory.

C. Visual Resources

The project area is near the South Fork Crooked River, which is eligible for designation as a Wild and Scenic River pending further study. (See Table 22 on page 123 of the RMP.)

An existing fence which is about one-fifth of a mile south of the BLM-private land boundary (running east-west) is visible from the riverbank for about one-eighth mile. This fence would not be necessary would probably be removed if the proposed fence were built. An additional section of fence running generally northwest-southeast occurs in that same general vicinity and is also visible from the riverbank, but this portion of fencing would not be effected by the proposed project.

D. Soils

The 1983 Brothers SVIM survey of the area shows that the soils in the area are loams to stony sandy loams, and generally shallow (less than 20" deep). Slopes along the proposed fenceline are up to 45% in places, and often contain cobble and stone-sized rock fragments at the surface.

E: Riparian Habitat

The 40-acre block of BLM land is not itself in riparian habitat, but is an upland site adjacent to the South Fork Crooked River. An intermittent tributary that drains into the river does occur in the 40-acre block.

At the time of the RMP decision, the South Fork Crooked River stream channel condition was good, the fish habitat condition was fair, and the estimated trend was declining. Comments in the RMP stated that streamside cover was scarce, there was abundant aquatic vegetation, and that there was siltation.

Fish species occurring in the nearby section of South Fork Crooked River include Redband trout, Northern pikeminnow, Leopard dace, Bridgelip sucker, Chiselmouth chub, Speckled dace, and Longnose dace. On a recent field visit, a brown bullhead was seen on the boundary between BLM and the Jake Place, indicating poor water quality.

F: Wildlife

Wildlife species that occur within the project area are consistent with those species listed in Appendix N (Wildlife Habitat Interrelationships) of the Draft Brothers/La Pine Resource Management Plan and Environmental Impact Statement (1987).

The project site is part of a large (about 70 square mile) area of crucial deer winter range. These winter habitat areas are important to the survival of big game species. However, winter habitat does not infer that these areas are not utilized during the entire year. Big game species have been recorded and monitored crossing the South Fork on a year round basis. These animals generally move along corridors that provide the least amount of resistance. This results in the majority of movement occurring along draws and drainages with gentle slopes.

Critical habitat has been identified and populations of greater sage grouse (Centrocercus urophasianus) have been documented along the South Fork of the Crooked River. All documented populations have been identified and recorded at locations that are located to the south, away from the proposed fence installation.

G. Cultural Resources

An archaeological inventory of the fence line was conducted on 4/8/04. A single, meandering pedestrian transect was conducted over the entire length of the proposed fence line route. No archaeological resources were observed within the Area of Potential Effect. The BLM has no knowledge of any Native American Indian religious sites or specific traditional cultural use areas close to or within the proposed project area.

A number of cultural inventories have been completed adjacent to the proposed fence line with many archaeological sites and isolates being recorded. None occur on or immediately adjacent to the project area.

3.2 Critical Elements

Affected	Not Affected	Critical Element
	X	Agricultural Lands, Prime or Unique
	X	Air Quality
	X	Areas of Critical Environmental Concern
	X	Cultural Resources
	X	Environmental Justice
	X	Floodplains
	X	Invasive, Non-native Species
	X	Native American Religious Concerns
	X	Threatened or Endangered Species
	X	Wastes, Hazardous or Solid
	X	Water Quality (Drinking/Ground)
	X	Wetland/Riparian Zones
	X	Wild and Scenic Rivers
	X	Wilderness

CHAPTER IV. ENVIRONMENTAL CONSEQUENCES

4.1.1 Effects of the No Action Alternative

Not allowing the fence to be constructed across BLM land would force the landowner to make his fenceline follow current private-BLM land boundaries.

A: Livestock Use

If a fence were constructed to follow the private-BLM land, it could result in a livestock concentration area in the North Twelvemile Table pasture of the Lister allotment. This would result in less even utilization of forage in that pasture, and particularly impact the 40-acre block of BLM land that would have fencing on three sides.

B: Vegetation

Constructing a fence that follows the BLM-private land would allow vegetation to be utilized by livestock on the 40-acre block. Because the block would be fenced on three

sides, livestock would be likely to concentrate there. Consistent heavy utilization would likely result in the plant community deviating further away from desired seral state condition.

C: Visual Resources
If the fence were constructed to follow the private-BLM land boundary, it would be visible from the river, particularly along the southeast border of the 40-acre block of BLM land. The most visible portion of the fence would be from the southeast corner of the 40-acre block and west from that point for approximately one-eighth of a mile.

D: Soils
Heavy use by livestock, particularly on areas with shallow soils, would likely reduce soil stability by damaging biological crusts. Heavy utilization would also reduce protective plant cover and litter cover on the soil, which would make the soil more susceptible to erosion from runoff.

Construction of a fence along the BLM-private land boundary would cause soil disturbance along the boundary line. Also, after fence construction, livestock would likely trail along the fence resulting in bare, compacted soil along the fenceline.

E: Riparian Habitat
Because the 40-acre block is upslope from the South Fork Crooked River, heavy livestock use in that area could result in more soil disturbance and sediment moving downslope into an intermittent tributary and/or directly into the river itself. This might have some negative effect on fish in the river.

A ¾ mile fence following the BLM-private land boundary would be more difficult to patrol and maintain, thus result in more chance of trespass livestock finding their way down to the riparian area along the South Fork Crooked River. The existing fence needs repairs and is difficult to patrol and maintain.

The fenceline will cross the intermittent tributary. There would be a short term increase in sediment production during fence construction that would be limited in amount and duration. Over time, this small amount of sediment would eventually route to the South Fork Crooked River. However, relative to current sediment production rates into the channel, the amount added as a result of fence construction would be undetectable.

F: Wildlife
The construction of ¾ mile of fence following the BLM-private land boundary would result in more impediments to wildlife movement in the area when compared to the ¼ mile discussed in the Proposed Action.

Constructing a fence along the BLM-private land boundary and could create potential barriers to movement patterns and foraging corridors of resident big game populations. Resident big game species that have established winter range habitat along both the east and west sides of the South Fork of the Crooked River. Big game animals use drainages

in the area as travel corridors into the river bottom. Placement of the fence across the drainages also creates the potential for animals traveling these corridors to become trapped, entangled, or injured while crossing the fences. Fences that are located within travel corridors increase the likelihood of injury and entanglement because the animals are unfamiliar with the need to cross the fences.

Potential impacts from construction of a new fence would be mitigated by constructing the fence to wildlife specifications to ease passage. The BLM specified wire heights and fence construction methods would limit the chances of animals being caught or injured while crossing the fence. Attaching flagging to the top strand of the newly constructed fences could increase the fences' visibility to wildlife, and thus minimize injury and entanglement. Once resident wildlife species learn where the new fences are located, the potential impacts from injury and entanglement would decrease.

4.1.2 Effects of the Proposed Action Alternative

A: Livestock Use

Building the fence in a straight line would result in better livestock flow along the western border of the North Twelvemile Table pasture of the Lister allotment. This would result in more even forage utilization in that pasture.

Livestock would not be able to utilize or impact the 40-acre block that would be fenced in with the Jake Place private land. This would reduce available BLM forage acreage in the North Twelvemile Table pasture by less than 1 percent.

B: Vegetation

Vegetation would not be utilized by livestock on the 40-acre block that would be fenced in with the private land. Lack of livestock utilization, particularly on the south slope on the south part of the 40-acre block would likely result in the plant community moving closer to desired seral state.

Construction of the fence will result in minimal, short-term trampling of the vegetation along the fenceline. In the long term, some livestock trailing will occur along the fenceline, although due to the topography this should be negligible. Additionally, control of livestock will facilitate improvement of riparian vegetation.

C: Visual Resources

If the fence were constructed along the proposed straight north-south line, the portion of the fence that would be seen from the river would be limited. The proposed fence would not reduce visual resources along the South Fork Crooked River. It would actually be less visible from the river than a fence following the BLM-private land boundary, particularly along the southern border of the 40-acre block of BLM land.

Elimination of livestock use on the 40-acre block would allow the vegetation on that piece of ground, particularly the south slope visible from the river, to move closer to a more natural plant community, thus enhancing visual resources.

D: Soils
Soils would not be disturbed by livestock on the 40-acre block that would be fenced in with private land.

There would be soil disturbance from the process of constructing the new fence across BLM land. Also, after fence construction, livestock would trail along the fence resulting in bare, compacted soil along the fenceline.

E: Riparian Habitat
Because the 40-acre block is upslope from the South Fork Crooked River, lack of livestock use in that area would result in less soil disturbance and therefore less sediment moving downslope into an intermittent tributary and into the river itself. This might have some benefit for fish in the river.

A straight fence would also be easier to patrol and maintain, thus resulting in less chance of trespass livestock finding their way down to the riparian area along the South Fork Crooked River.

The fenceline will cross the intermittent tributary. There would be a short term increase in sediment production during fence construction that would be limited in amount and duration. Over time, this small amount of sediment would eventually route to the South Fork Crooked River. However, relative to current sediment production rates into the channel, the amount added as a result of fence construction would be undetectable.

F: Wildlife
The construction of ½ mile of fence in the Proposed Action Alternative would result in less impediments to wildlife movement in the area when compared to the construction of ¾ mile of fence along the BLM-private land boundary.

Implementation of the Proposed Action Alternative could create potential barriers to movement patterns and foraging corridors of resident big game populations. Resident big game species that have established winter range habitat along both the east and west sides of the South Fork of the Crooked River. Big game animals use drainages in the area as travel corridors into the river bottom. Placement of the fence across the drainages also creates the potential for animals traveling these corridors to become trapped, entangled, or injured while crossing the fences. Fences that are located within travel corridors increase the likelihood of injury and entanglement because the animals are unfamiliar with the need to cross the fences.

Potential impacts from construction of a new fence would be mitigated by constructing the fence to wildlife specifications to ease passage. The BLM specified wire heights and fence construction methods would limit the chances of animals being caught or injured while crossing the fence. Attaching flagging to the top strand of the newly constructed fences could increase the fences' visibility to wildlife, and thus minimize injury and entanglement. Once resident wildlife species learn where the new fences are located, the

potential impacts from injury and entanglement would decrease.

4.2.1 Monitoring

To insure compliance with fence-building specifications, onsite inspections during and after fence construction would be conducted to ensure compliance with BLM directives.

The 40-acre block will continue to be monitored over time using a standard range-monitoring trend plot to be sure that the plant community continues to be at least 40 percent of its potential. If, for some reason related to land use, the vegetative plant community should fall below the 40 percent threshold, the BLM may require that the owner of the Jake Place property build a fence which would separate the private land from the BLM-managed 40-acre block.

Established range monitoring will continue in the North Twelvemile Table pasture of the Lister allotment.

CHAPTER V. CONSULTATION AND COORDINATION

Otto Keller, owner of the Jake Place property
Jason Dedrick, Crooked River Watershed Council
Bob Williams, GI Ranch Corp

CHAPTER VI. LIST OF PREPARERS

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Coordinated by:

	Natural Resource Specialist_	
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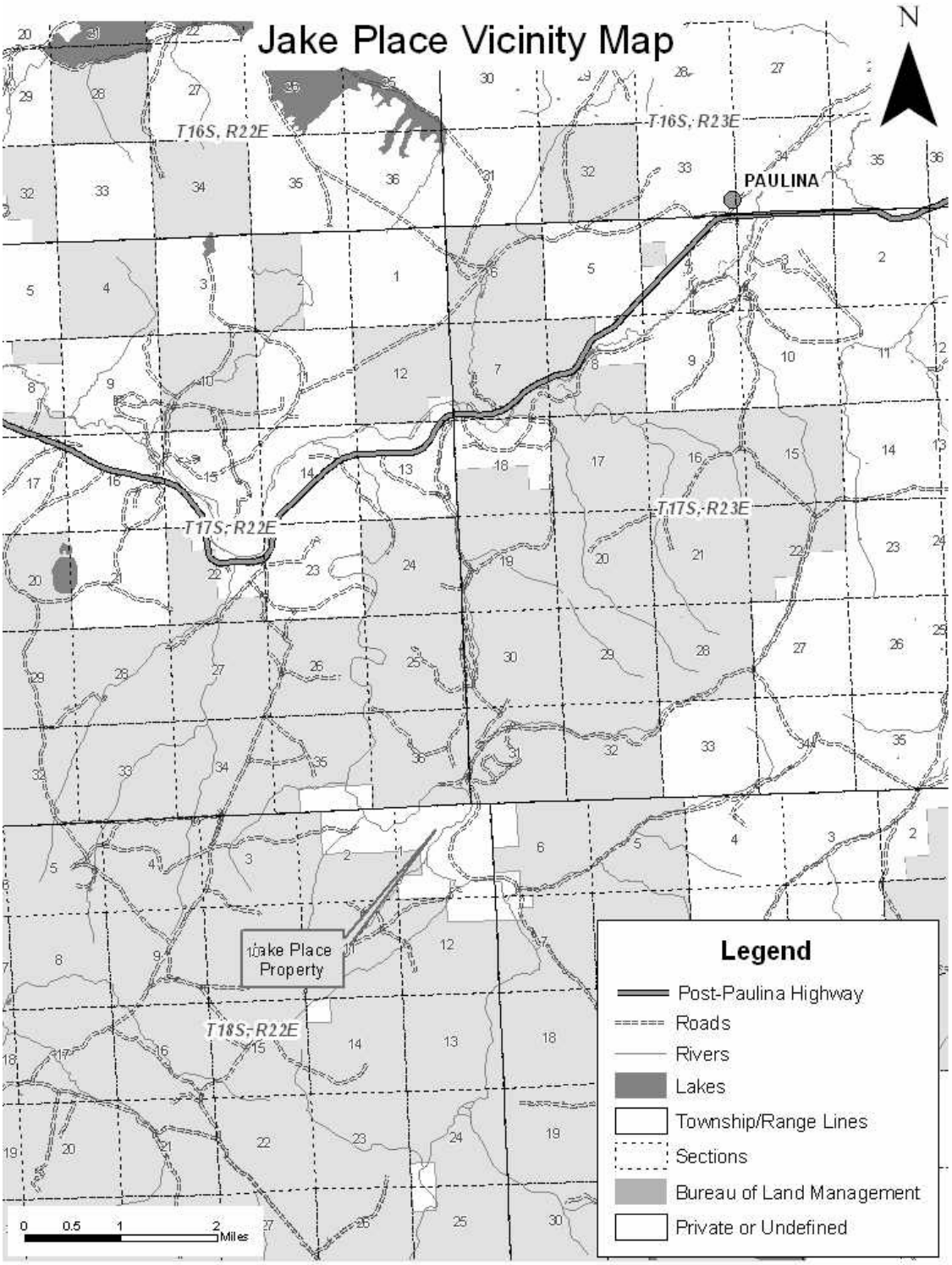
Reviewed by:

Dan Tippy	Title	Date

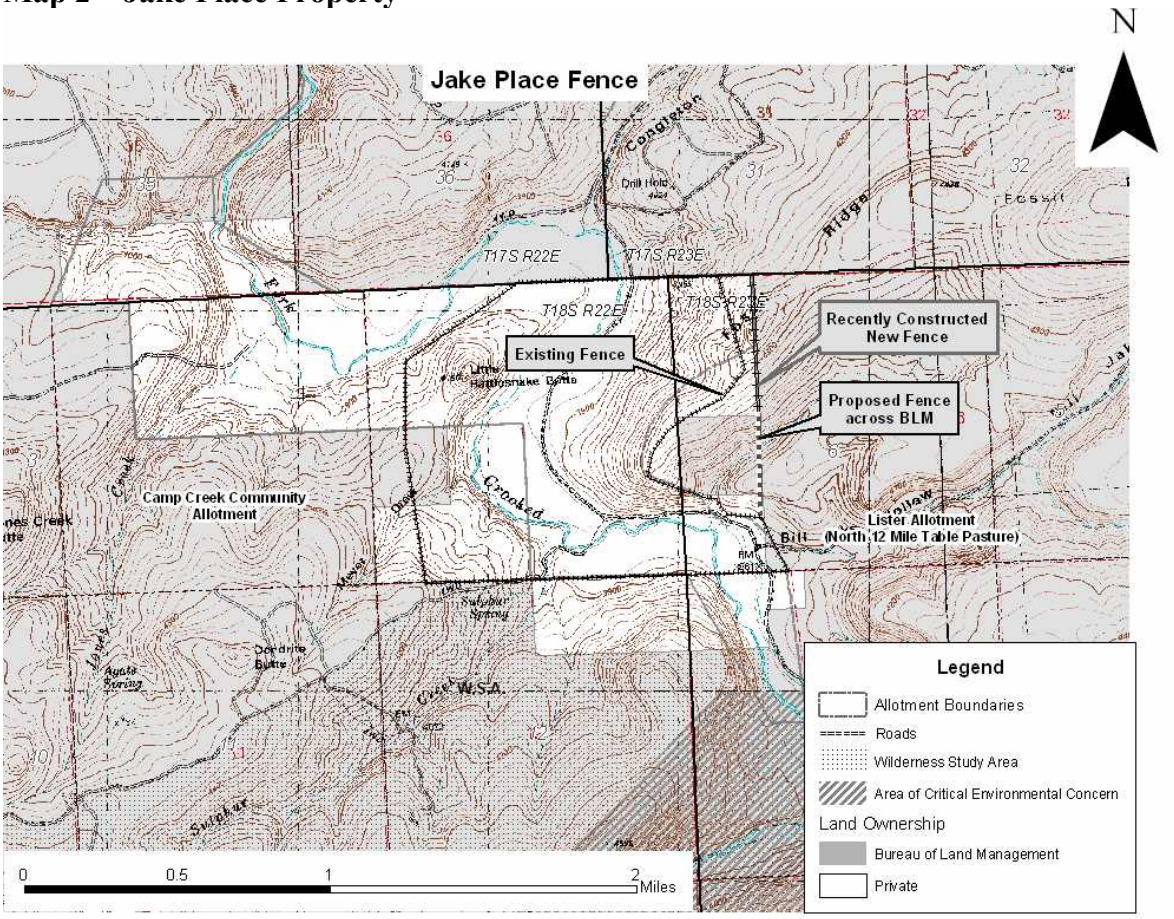
CHAPTER VIII. APPENDICES

6.1 Maps

Map 1 – Vicinity



Map 2 – Jake Place Property



6.2 Supporting Documentation

The following documents are in the Jake Place Fence project file at the Prineville District BLM office:

- Fence project proposal letter from Otto Keller
- Letter from Bob Williams (GI Ranch Corp.) supporting the proposed project
- Letter from the Crooked River Watershed Council, Jason Dedrick, supporting the proposed project
- Report from the BLM staff Archaeologist
- Special Status Plant Survey Waiver